

To: Garrett Park Town Council
Attn: Councilman Stephen Paczkowski

From: Garrett Park Land Use Advisory Committee
George J. Martin

Date: May 21, 2020

Re: Variance Application for 4705 Argyle

The Garrett Park Land Use Advisory Committee (LUAC) has been asked to provide to the Town Council an evaluation regarding a Request for Variance for side yard setback for 4705 Argyle Avenue. LUAC has reviewed the Variance Application and supporting information and provides the following report to the Council.

Description

Applicants seek a **2' side yard setback encroachment** for a rear addition (See site plan).

The existing house is an intact Chevy House and is not within the Garrett Park Historic work area.



First Submission 2-18-2020 – Variance Action

Homeowners Sean Bailey and Jessica Trinh submitted a Garrett Park Building Permit application and plans for a rear addition on 2-18-2020 (Attachment 1). The proposed work is for a one story rear addition with little to no alteration to the front of the home. Although not required by Town or County requirements, the design is respectful of the integrity of the existing Chevy House.

On 2-21-2020 the LUAC informed the Bailey-Trinh's via email that the plans (see below) submitted were not in accordance with the Garrett Park Ordinance due to a 2' side yard encroachment (see site plan below).

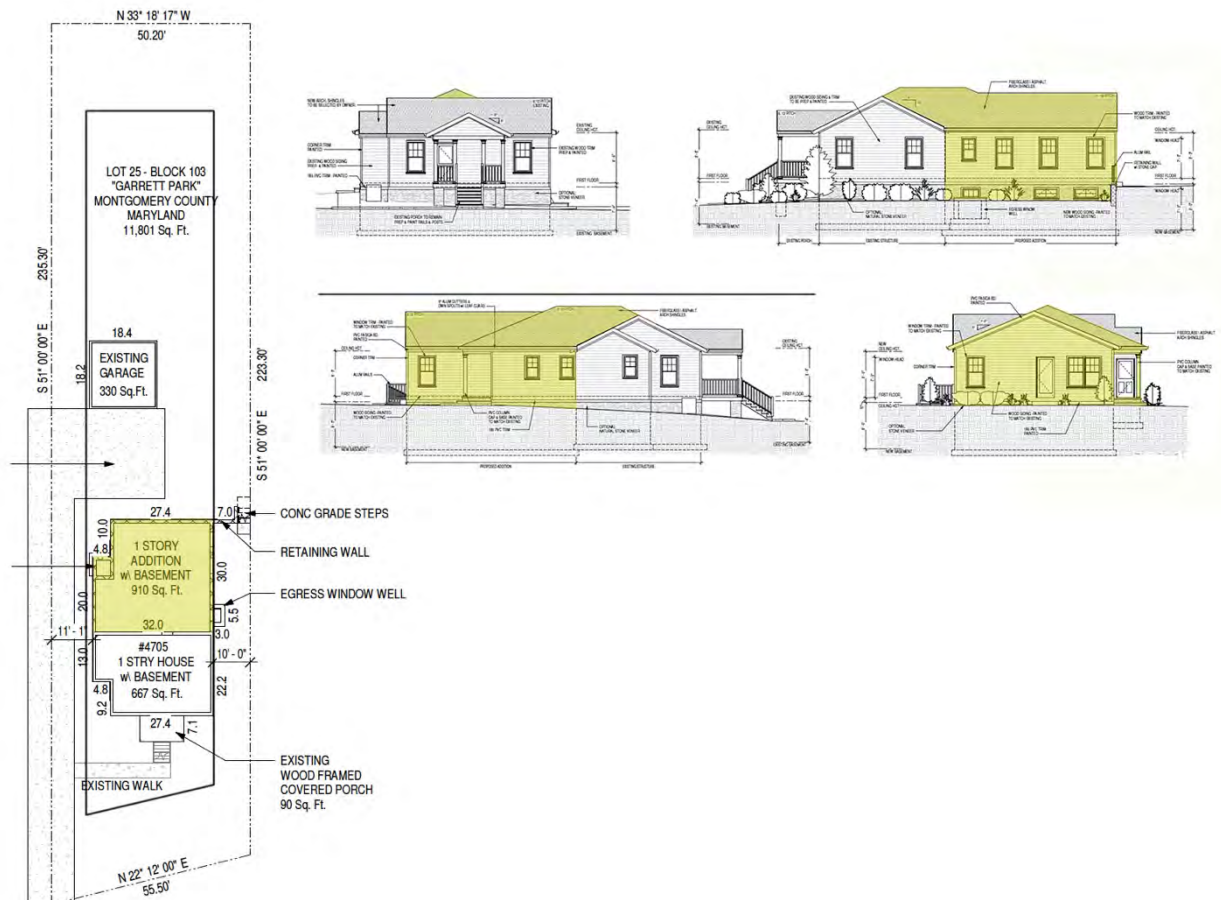


Subject of Variance Action

Second Submission 2-25-2020

On 2-25-2020 the Bailey-Trinh's submitted a revised set of drawings (see below) which corrected the 2' side yard encroachment (Attachment 2). The application was reviewed by LUAC and a report dated 3-2-2020 was circulated to LUAC for review (Attachment 3). **LUAC informed the Town of recommendation for approval of the permit on 3-2-2020.**

The Bailey-Trinh's were subsequently notified by George Martin of LUAC that they may wish to consider application for a Town Variance for approval to build the design as proposed in the first submission. The suggestion was made due to appraisal of the Town's potential interest in seeing the addition to the house better conform to the *Secretary of the Interior Standards for Rehabilitation*.



Approved Design without Variance Portion

Analysis of Proposed Work – Variance Action on First Submission

Proposed work is **in compliance** with the Town Ordinance with regard to both Lot Coverage (provided: 14.5% main – GP req: 18%) and Floor Area Ratio (proposed: .173 – GP req: .375). The proposed work is also in compliance with regard to front and rear setbacks. The proposed work is **not in compliance** with the Side Yard Building Setback.

Evaluation of Grounds for a Variance

Section 403.c of the Town Ordinance defines “Conditions upon which relief may be predicated.” Section 403.c.1.1 limits the grounds to granting relief to conditions where there exists, “unusual dimension, shape, topography, or other exceptional characteristics of the lot.” With respect to 4705 Argyle Avenue;

Dimension:	Lot is approx. 230’ x 50’ – atypical, narrow
Shape:	Lot is rectangular - typical
Topography:	Lot has elevation slope from front to back – typical
Exceptional Characteristic:	Historic Significance , Chevy House

The Town provides a checklist of questions as part of the process for variance approval. The Committee responds here with our response to these questions;

1. Does the lot have unusual dimensions, shape, topography or other exceptional characteristics, for which a variance is sought?

Yes. The property has the exceptional characteristic due to the historic significance of the house (an intact Chevy House) on the property.

2. Does the unusual dimensions, shape, topography or other exceptional characteristics prevent the accommodation of the building sought to be erected if the setback requirements of Section 402 are strictly applied to the construction?

No. The applicant has demonstrated that they can accommodate their plans within the confines of the side yard setbacks. However, due to the narrowness of the lot (50’) the permitted footprint for addition is maximum 30’ wide directly behind the existing structure. This situation results in the extension of the addition in the same plane as the

existing building which negatively impacts the distinction of existing and new construction. This is contrary to standards and best practices established by the US Department of Interior as guidelines to adding to historic structures.

3. Does the strict and literal application of Section 402 to the lot result in particular or unusual practical difficulties to, or exceptional or undue hardship on, the owner of the property?

Unable to assess. The Committee is not in a position to evaluate or appraise practical difficulties or exceptional or undue hardship and looks to the Owner to elaborate on such conditions which support their argument for relief under the variance provision.

4. Does the proposed new construction, including existing structures and accessory buildings, cause the floor area ratio to be in excess of 0.375?

No.

5. Does the increase in the net lot area to be covered by buildings, including accessory buildings, exceed twenty (20) per cent of the net lot area?

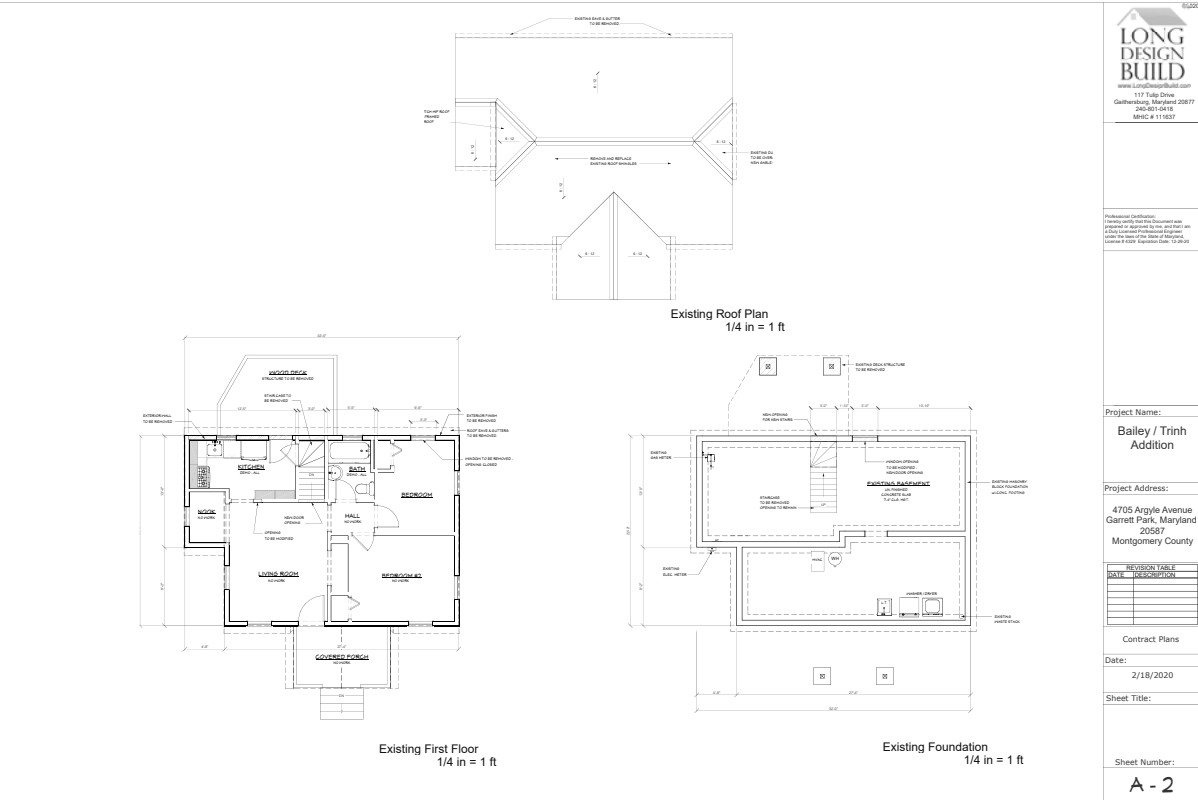
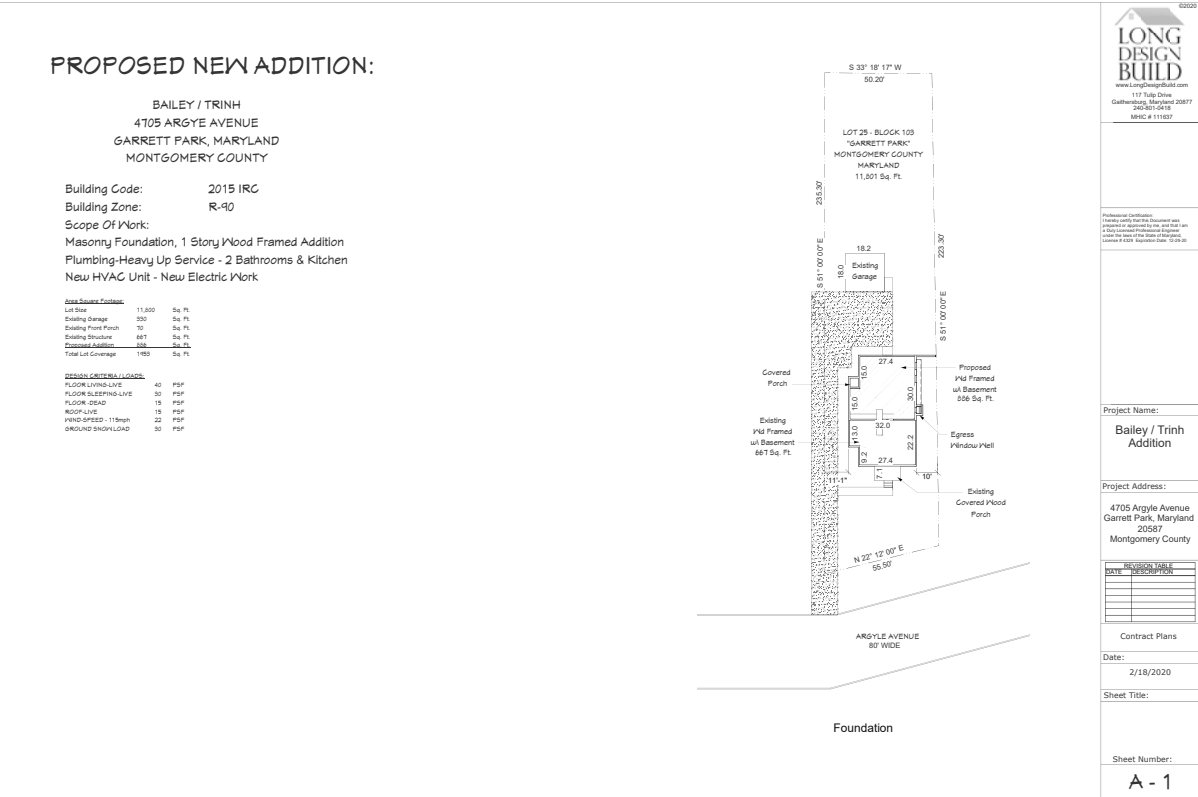
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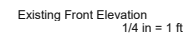
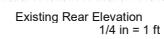
6. Will approval of the variance be in harmony with the general purposes of the Ordinance and not contrary to the public interest?

Yes.

Attachments

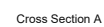
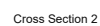
- Attach. #1: First Submission Plans (**Variance Request Set**)
- Attach. #2: Second Submission Plans (already approved by Town)
- Attach. #3: LUAC review report 3-2-2020 on Second Submission



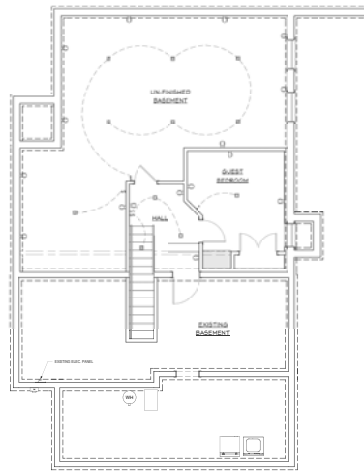
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A - 8



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License # 4355, Expiration Date: 12/31/21

Project Name:
**Bailey / Trinh
Addition**

Project Address:
4705 Argyle Avenue
Garrett Park, Maryland 20887
Montgomery County

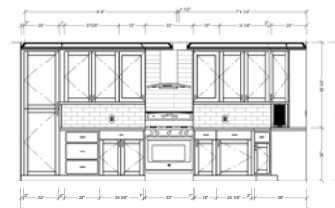
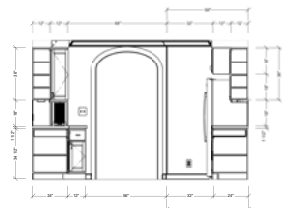
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DATE	DESCRIPTION

Contract Plans

Date:
2/18/2020

Sheet Title:

Sheet Number:
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PROJECT INFORMATION									
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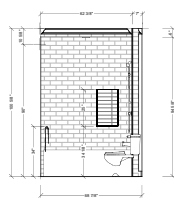
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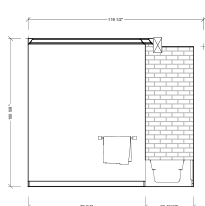
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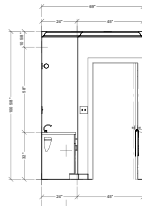
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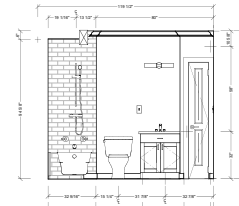
Bath Elevation D



Bath Elevation C



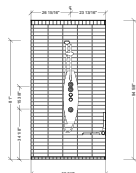
Bath Elevation B



Bath Elevation A



1st Floor



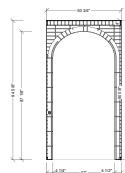
Master Shower D



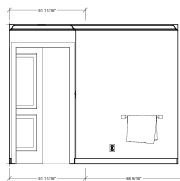
Master Shower C



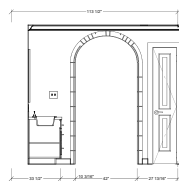
Master Shower B



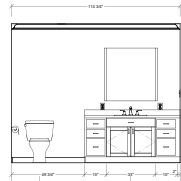
Master Shower A



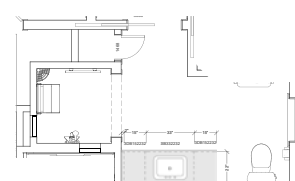
MasterBath Elevation C



MasterBath Elevation B



MasterBath Elevation A



1st Floor

Project Name:

Bailey / Trinh

 Addition

Project Address:

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 Garrett Park, Maryland

 20887

 Montgomery County

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Contract Plans

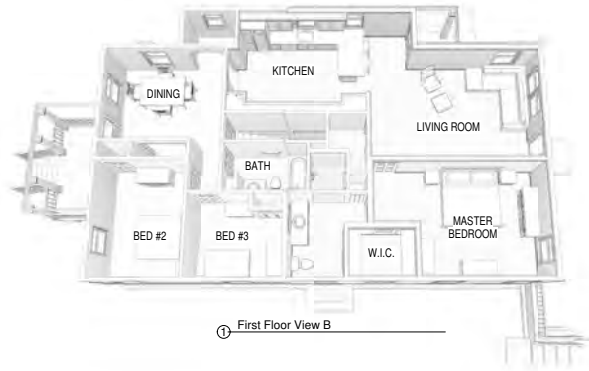
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① First Floor View B



② First Floor View A

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Project Name:

Bailey \ Trinh
Residence

Project Address:

4705 Argyle Avenue
Garrett Park, Maryland

Date:

2-25-2020

Revision:

Contract Plans

Sheet Title:

Plan Views

Sheet Number:

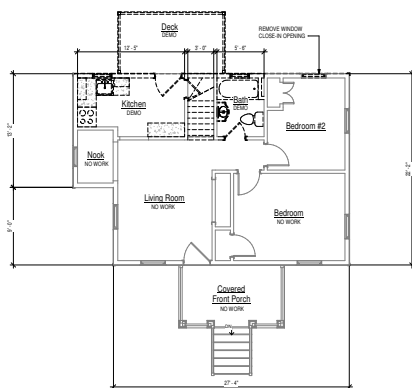
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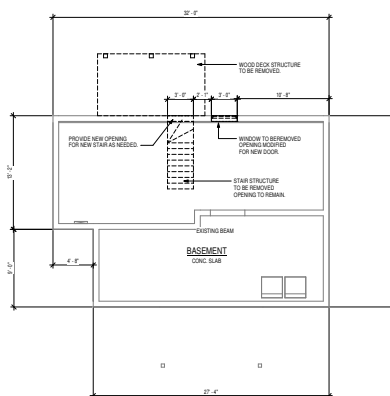
④ Existing View 2



③ Existing View



② Existing / Demo First Floor
1/4" = 1'-0"



① Existing / Demo Basement
1/4" = 1'-0"

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Existing Plans

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A 1.0

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**Existing
Elevations**

Sheet Number:

A 1.1



④ Existing Right Side
1/4" = 1'-0"



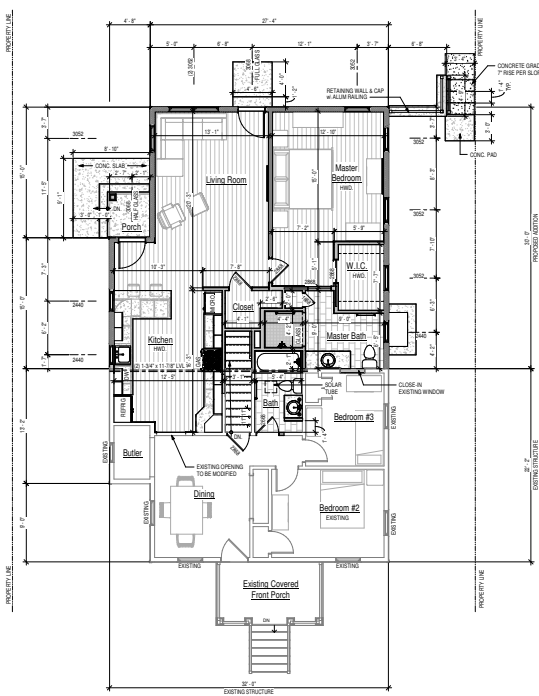
③ Existing Rear
1/4" = 1'-0"



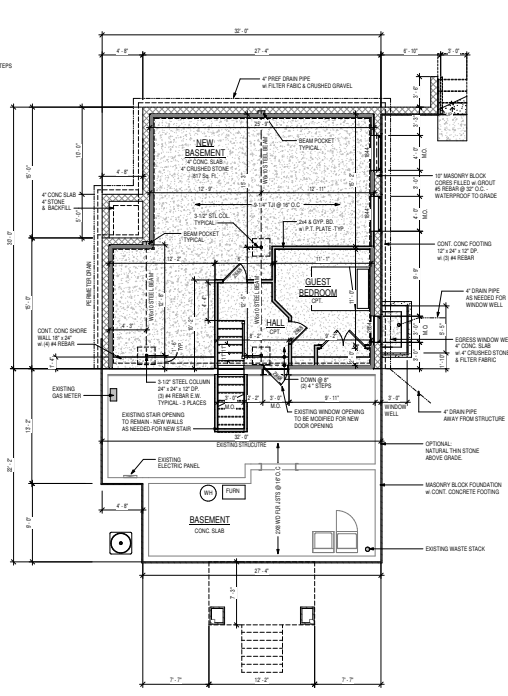
② Existing Left Side
1/4" = 1'-0"



① Existing Front
1/4" = 1'-0"



② First Floor
1/4" = 1'-0"



① Foundation Plan
1/4" = 1'-0"

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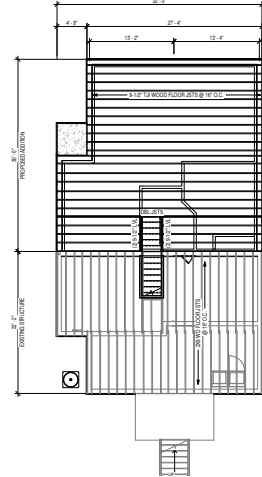
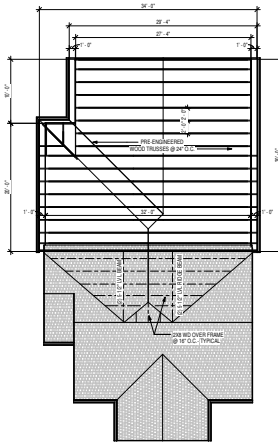
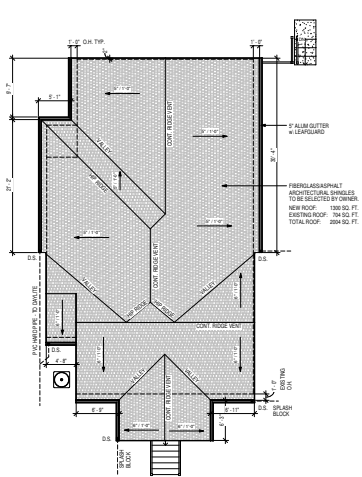
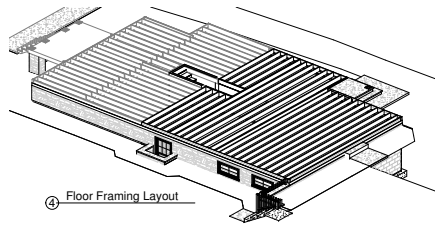
Contract Plans

Sheet Title:

Plans

Sheet Number:

A 2.0



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Project Name:

Bailey \ Trinh
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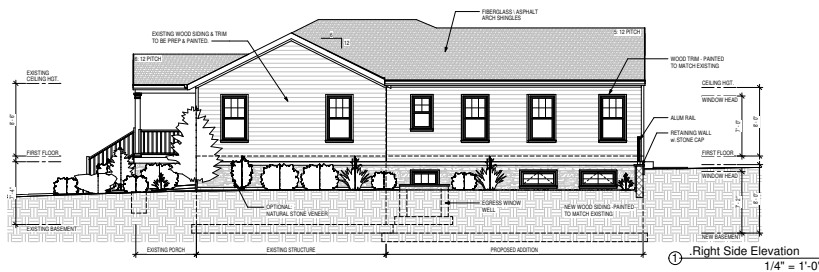
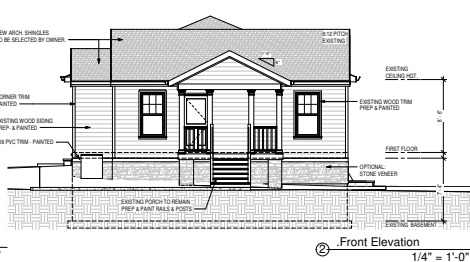
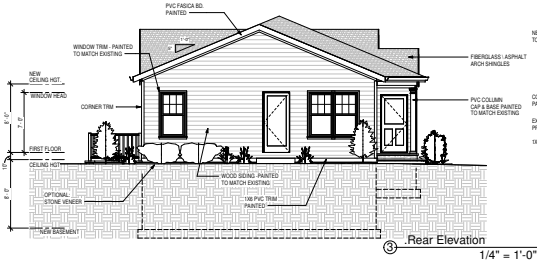
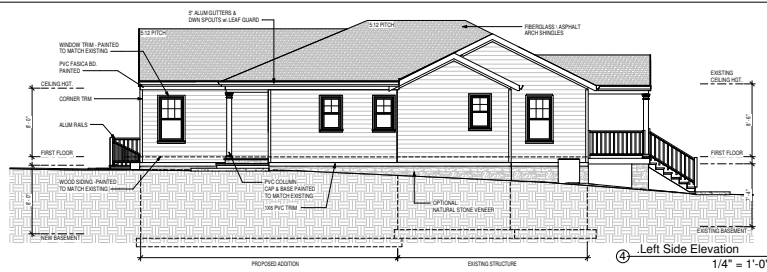
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2-25-2020

Revision:

Contract Plans

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Elevations

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A 3.0

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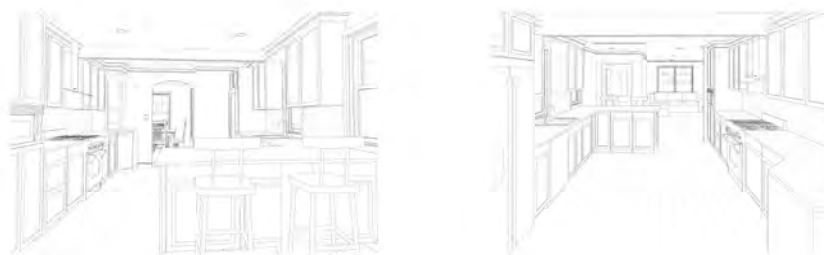
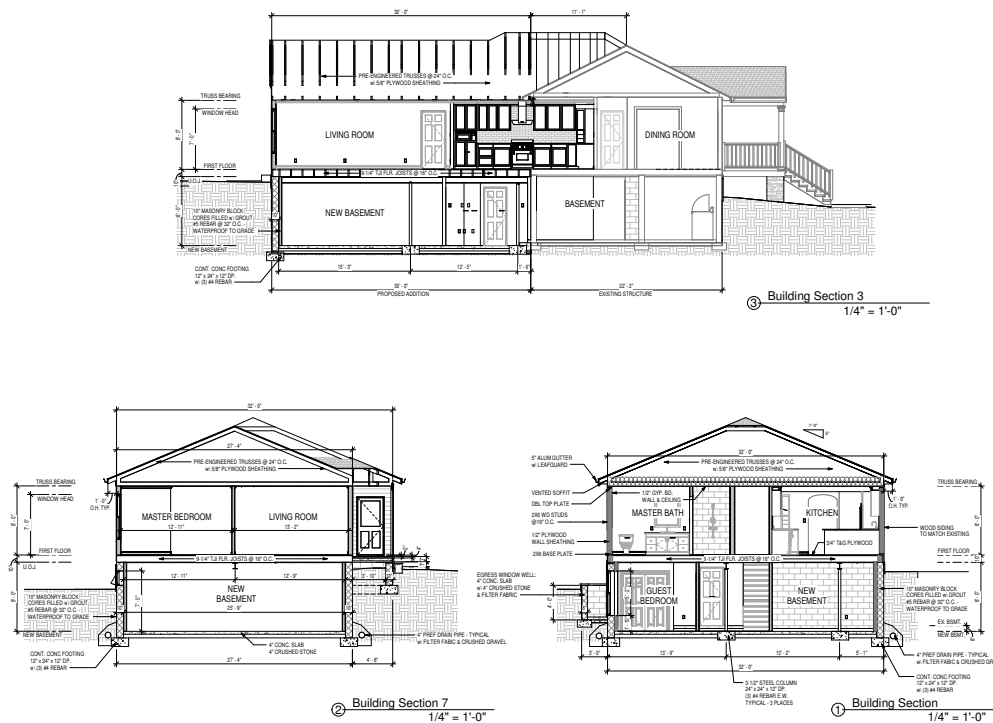
Contract Plans

Sheet Title

Building
Sections

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A 4.0



7 Kitchen View B

6 Kitchen View A



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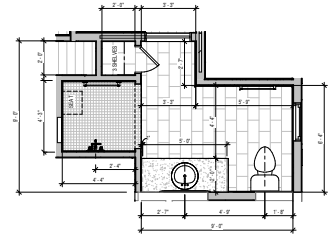
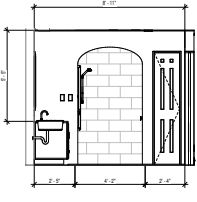
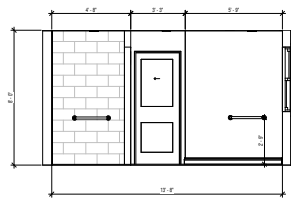
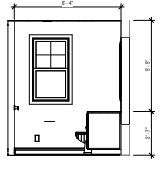
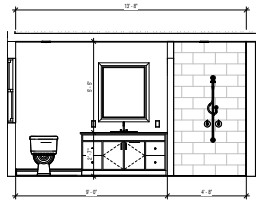
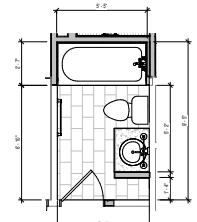
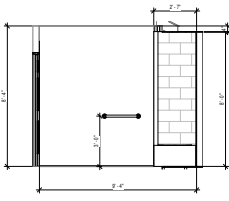
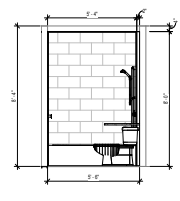
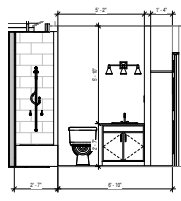
Contract Plans

Sheet Title

Interior

Sheet Number

A 5.0



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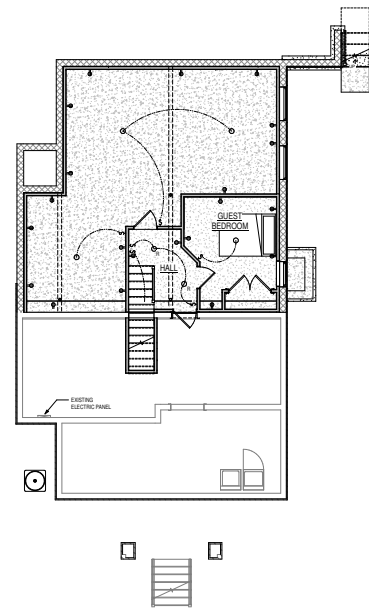
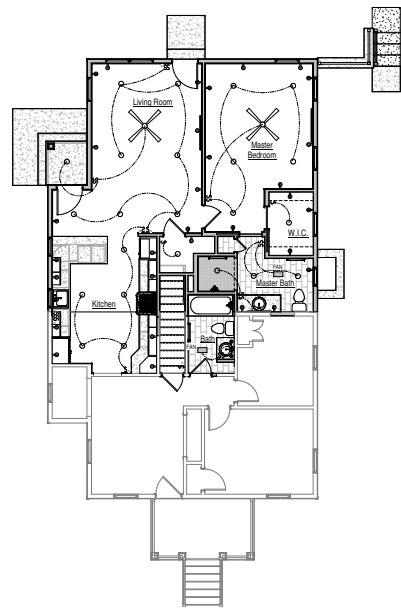
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Contract Plans
Sheet Title:
Electrical

Sheet Number:
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4705 Argyle Avenue Building Permit Analysis

March 2, 2020

The following analysis is for the Building Permit application for 4705 Argyle Avenue submitted on February 25, 2020 by the Owner, Sean Bailey with design and drawings provided by Long Design Build. Permit application and drawings were originally submitted on February 18, 2020 but were modified and resubmitted due to a side setback issue. Drawings submitted are adequate to do an analysis.

Due to the potential historic value of the property, a referral was made to the GP Historic Preservation Committee to assure documentation and to provide a resource for the homeowner.

Existing Structure:



1 story wood frame house with full basement.

Proposed Structure:

The proposed construction includes a new one story 910 sq ft addition to the rear of the house.

I have reviewed the designer's calculations and find them to be correct.

First Floor Total (habitable): 1,577 sq. ft. (+90 sq ft front porch – 1,667, + 330 sq ft garage – 1,997 sq ft)
Footprint (main): 14% - 18% allowable. Footprint (main + accessory): 17% - 20% allowable
Total habitable area (excludes basement, includes covered porch and accessory building): 1,997 sq. ft.
Floor Area Ratio: .17
Lot Size: 11,800 sq. ft.



Existing Site Plan



Proposed Building Elevations (new work in yellow)

